

IN THE MATTER OF:

A.B.R.A. Agenda

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* Agenda
* Hearing
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The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

RUTHANNE MILLER, Chairperson
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

1 P-R-O-C-E-E-D-I-N-G-S

2 (1:59 p.m.)

3 CHAIRPERSON MILLER: Okay. We are
4 going to have a change of plan and actually do
5 our agendas now and get them out of the way
6 starting with the Licensing Agenda.

7 The first item on the Licensing Agenda
8 is a request for a change of hours by Hayden's
9 located at 700 North Carolina Avenue, S.E., it's
10 License No. 000437. And this is for Sunday
11 hours.

12 And I move that we approve this
13 request. Do I have a second?

14 MEMBER RODRIGUEZ: Second.

15 CHAIRPERSON MILLER: Mr. Rodriguez
16 seconded the motion.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining? The motion
21 passes 4-0-0.

22 No. 2 is a request for a change of

1 hours of an entertainment endorsement and this is
2 by Roofers Union located at 2442-2446 18th
3 Street, N.W., License No. 093592. And they have
4 an entertainment endorsement that allows them to
5 begin their entertainment at 10:00 and they are
6 requesting to begin at 6:00 p.m.

7 So I move that we approve this
8 request. Do I have a second?

9 MEMBER SILVERSTEIN: Second.

10 CHAIRPERSON MILLER: Mr. Silverstein
11 seconded the motion.

12 All those in favor say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? The motion
16 passes 4-0-0.

17 No. 3 is an application for a
18 manager's license by Robert S. Bise, ABRA No.
19 099766.

20 I move that we approve. Do I have a
21 second?

22 MEMBER RODRIGUEZ: Second.

1 CHAIRPERSON MILLER: Mr. Rodriguez
2 seconded the motion. All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? The motion
6 passes 4-0-0. No. 4 is an application for a
7 manager's license for Carlos A. Lopez, ABRA No.
8 099768. I move that we approve. Do I have a
9 second?

10 MEMBER SILVERSTEIN: Second.

11 CHAIRPERSON MILLER: Mr. Silverstein
12 seconded the motion. All those in favor say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? The motion
16 passes 4-0-0. We have a Supplemental Licensing
17 Agenda. The first item is a review of a request
18 to remove license from safekeeping in conjunction
19 with transfer and this is by Stop & Shop Liquors
20 located at 3011 Rhode Island Avenue, N.E.,
21 License No. 088222. I move that we approve this
22 request. Do I have a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Mr. Silverstein
3 seconded the motion. All those in favor say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? The motion
7 passes 5-0-0. We have No. 2, a request to extend
8 safekeeping. This is a second request and the
9 licensee is To Be Determined and the address is
10 1064 Wisconsin Avenue, N.W., License No. 092970.
11 I move for a Fact-Finding. Do I have a second?

12 MEMBER SHORT: Second.

13 CHAIRPERSON MILLER: Mr. Short has
14 seconded the motion. All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The motion
18 passes 5-0-0. No. 3 is a request to extend
19 safekeeping. The status of the license, this is
20 the third request by Northeast Liquors located at
21 1300 5th Street, N.E., and it's License No.
22 092694. I move that we hold a Fact-Finding

1 Hearing on this request. Do I have a second?

2 MEMBER BROOKS: Second.

3 CHAIRPERSON MILLER: Mr. Brooks has
4 seconded the motion. All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those
7 opposed? All those abstaining? The motion
8 passes 5-0-0.

9 No. 4 is a request to extend
10 safekeeping status of a license. This is a
11 second request by Variety Market located at 1511
12 7th Street, N.W., License No. 001111.

13 I move that we approve this request
14 for a period of six months. Do I have a second?

15 MEMBER BROOKS: Second.

16 CHAIRPERSON MILLER: Mr. Brooks has
17 seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The motion
22 passes 5-0-0.

1 No. 5 is an amended transfer
2 application from Madras Bar, LLC located in ANC-
3 1A. Then the establishment is The Airedale, 3605
4 14th Street, N.W., License No. TBD.

5 And I move that we refer this
6 application to licensing. Do I have a second?

7 MEMBER BROOKS: Second.

8 CHAIRPERSON MILLER: Mr. Brooks has
9 seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes 5-0-0.

15 No. 6 is a revised application with
16 revised closing hours per the Board's
17 instructions. This is by Soundcheck located at
18 1420 K Street, N.W., License No. 098536.

19 I move that we approve this
20 application as revised. Do I have a second?

21 MEMBER BROOKS: Second.

22 CHAIRPERSON MILLER: Mr. Brooks has

1 seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? The motion
6 passes 5-0-0.

7 No. 7 are architectural floor plans
8 for a new full service grocery store by Dean &
9 Deluca located at 3276 M Street, N.W., License
10 No. 018083.

11 I move that we refer these plans to
12 licensing. Do I have a second?

13 MEMBER SILVERSTEIN: Second.

14 CHAIRPERSON MILLER: Mr. Silverstein
15 seconded the motion.

16 All those in favor say aye.

17 ALL: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed? All those abstaining? The motion
20 passes 5-0-0.

21 No. 8 are architectural floor plans
22 for a new full service grocery for The

1 Mediterranean Way Gourmet Market located at 1717
2 Connecticut Avenue, N.W., License No. 098845.

3 I move that we refer these plans as
4 well to licensing. Do I have a second?

5 MEMBER SHORT: Second.

6 CHAIRPERSON MILLER: Mr. Short has
7 seconded the motion.

8 All those in favor say aye.

9 ALL: Aye.

10 CHAIRPERSON MILLER: All those
11 opposed? All those abstaining? The motion
12 passes 5-0-0.

13 No. 9 is a request for approval to
14 provide gifts of more than \$50, but not to exceed
15 \$500. This is for Republic National Distributing
16 Company located at 4235 Sheriff Road, N.E.,
17 License No. 076499.

18 I move that we approve this request.
19 Do I have a second?

20 MEMBER RODRIGUEZ: Second.

21 CHAIRPERSON MILLER: Mr. Rodriguez has
22 seconded the motion.

1 All those in favor say aye.

2 ALL: Aye.

3 CHAIRPERSON MILLER: All those
4 opposed? All those abstaining? The motion
5 passes 5-0-0.

6 No. 10 is a review of -- we have a
7 letter from Susana Galeas requesting
8 reinstatement of canceled license. This is for
9 Sisy's Restaurant located at 3911 14th Street,
10 N.W., License No. 076125.

11 And the license was canceled January
12 28, 2015. Okay. Okay. All right. So I move
13 that we grant her request to reinstate upon
14 payment of all fees and penalties, whatever
15 penalties there might be, if there are penalties.
16 I would get back to the one violation. Okay.

17 All right. I'm going to switch the
18 order. Okay. First of all, the licensing should
19 have been placed in safekeeping and I don't
20 believe that it was. And therefore, I would
21 move, number one, that we issue her a warning
22 with respect to the failure to put the license in

1 safekeeping.

2 MEMBER RODRIGUEZ: Second.

3 CHAIRPERSON MILLER: Okay. But I want
4 to combine it, the whole motion. And then I want
5 to combine that we do grant her request to
6 reinstate upon payment of all fees that are due,
7 including penalties if there are any, but
8 certainly all fees and there are fees due and
9 that she must pay the amount owed within 15 days
10 of the date of the letter that will be sent to
11 her incorporating this order.

12 MEMBER RODRIGUEZ: Second.

13 CHAIRPERSON MILLER: Okay. Mr.
14 Rodriguez has seconded the motion. Are there any
15 other comments? All right.

16 All those in favor say aye.

17 ALL: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed? All those abstaining? The motion
20 passes 5-0-0.

21 No. 11 is a Letter of Intent. It says
22 requested by the Board at the Fact-Finding

1 Hearing on July 29, 2015. It is really not clear
2 that this was actually the Letter of Intent that
3 was requested. However, I would suggest that we
4 just consider this letter FYI. So no action is
5 required.

6 MEMBER SILVERSTEIN: Madam Chair?

7 CHAIRPERSON MILLER: Yes.

8 MEMBER SILVERSTEIN: For the record,
9 this letter is simply the holder of the license
10 in safekeeping saying what they intend to do. It
11 is unilateral.

12 CHAIRPERSON MILLER: Right. And it
13 seems pretty similar to what we heard at the
14 hearing. So I think we were interested in the
15 Letters of Intent between them and the
16 developers, you know, with respect to when their
17 business was going to start or having a place in
18 the business. But I don't -- I think we will get
19 that down the road hopefully. All right. So
20 that's an FYI.

21 And we go to No. 12 which is we got a
22 Letter of Recommendation and request for

1 reconsideration of an application for a manager's
2 license. This application was originally
3 reviewed and denied on October 29, 2014,
4 according to these notes. It is for Shay N.
5 Evans, ABRA No. 096998.

6 I move that we affirm our denial of
7 this application, based on D.C. Statute 25-301.
8 Do I have a second?

9 MEMBER SILVERSTEIN: Second.

10 CHAIRPERSON MILLER: Mr. Silverstein
11 has seconded the motion.

12 All those in favor say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? The motion
16 passes 5-0-0. And in particular, 301-3, I would
17 say, in that this involves a felony.

18 Okay. No. 13 is an application for a
19 manager's license for Erinn M. Smith, ABRA No.
20 099406. This was postponed on July 8, 2015.

21 And I move that we deny this manager's
22 license, also based on 25-301, a felony. Do I

1 have a second?

2 MEMBER SHORT: Second.

3 CHAIRPERSON MILLER: Mr. Short has
4 seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 5-0-0.

10 And finally, No. 14, we have a letter
11 from Barry Hansen, Jr. to assess the feasibility
12 of proposal and determine which license category
13 the applicant should apply for.

14 Upon review of this letter, I would
15 move that Mr. Hansen be informed that the
16 appropriate category license to apply for would
17 be a club. Do I have a second?

18 MEMBER RODRIGUEZ: Second.

19 CHAIRPERSON MILLER: Mr. Rodriguez
20 seconded the motion.

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The motion
3 passes 5-0-0.

4 Okay. We have a cancellation agenda
5 with just one item and that is to approve the
6 cancellation of ABRA No. 092297, Pei Wei Asian
7 Diner located at 1212 18th Street, N.W. The
8 licensee has requested cancellation.

9 I move that we approve the
10 cancellation. Do I have a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: Mr. Brooks has
13 seconded the motion.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The motion
18 passes 5-0-0.

19 Okay. We have a Legal Agenda. The
20 first item on the Legal Agenda is a settlement
21 agreement between ANC-6D and The Capital Yacht
22 Club. The Capital Yacht Club is located at 660

1 Water Street, S.W., License No. 001324.

2 I move that we approve the settlement
3 agreement.

4 MEMBER SHORT: Second.

5 CHAIRPERSON MILLER: Mr. Short has
6 seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? The motion
11 passes 5-0-0.

12 No. 2 is a settlement agreement among
13 ANC-2E, Citizens Association of Georgetown and
14 Mr. Smith's of Georgetown. Mr. Smith's of
15 Georgetown is located at 3205 K Street, N.W.,
16 License No. 000927.

17 I move that we approve the settlement
18 agreement. Do I have a second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks has
21 seconded the motion.

22 All those in favor say aye.

1 ALL: Aye.

2 CHAIRPERSON MILLER: All those
3 opposed? All those abstaining? The motion
4 passes 5-0-0.

5 We have a Supplemental Legal Agenda.
6 The first item is a Letter of Withdrawal of
7 Protest dated July 20, 2015 submitted by
8 Chairperson Natalie Williams on behalf of ANC-8A.
9 Minnesota Liquors is located at 2237 Minnesota
10 Avenue, S.E., License No. 000222.

11 I move that we approve this Letter of
12 Withdrawal of Protest. Do I have a second?

13 MEMBER SHORT: Second.

14 CHAIRPERSON MILLER: Mr. Short has
15 seconded the motion.

16 All those in favor say aye.

17 ALL: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed? All those abstaining? The motion
20 passes 5-0-0.

21 No. 2 is a settlement agreement
22 between ANC-6C and Batter Bowl Bakery dated July

1 31, 2015. Batter Bowl Bakery is located at 403 H
2 Street, N.E., License No. 099176.

3 I move that we approve this settlement
4 agreement. Do I have a second?

5 MEMBER BROOKS: Second.

6 CHAIRPERSON MILLER: Mr. Brooks has
7 seconded the motion.

8 All those in favor say aye.

9 ALL: Aye.

10 CHAIRPERSON MILLER: All those
11 opposed? All those abstaining? The motion
12 passes 5-0-0.

13 No. 3 is an amendment to a settlement
14 agreement from ANC-2A, The Columbia Plaza Tenants
15 Association and The Market at Columbia Plaza
16 dated July 15, 2015. The Market at Columbia
17 Plaza is located at 516 23rd Street, N.W.,
18 License No. 097197.

19 I move that we approve with
20 modification to certain language dealing with the
21 description of what is being sold is alcoholic
22 beverages versus liquor. Do I have a second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Mr. Silverstein

3 has seconded the motion.

4 All those in favor say aye.

5 ALL: Aye. All those opposed? All

6 those abstaining? The motion passes 5-0-0.

7 No. 4 is a settlement agreement

8 between protestant group of 11 and Rose's Liquor,

9 dated July 1, 2015. Rose's Liquor is located at

10 830 Bladensburg Road, N.E., License No. 060822.

11 I move that we postpone consideration

12 of this settlement agreement one week. Do I have

13 a second?

14 MEMBER SILVERSTEIN: Second.

15 CHAIRPERSON MILLER: Mr. Silverstein

16 seconded the motion.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those

20 opposed? All those abstaining? The motion

21 passes 5-0-0.

22 We have a Second Supplemental Legal

1 Agenda. And the first item and only item is a
2 request for hearing by M&M Market regarding Board
3 Order No. 2015-351, an order to cease and desist.
4 And it is for M&M Market located at 3544 East
5 Capitol Street, N.E., License No. 078461.

6 I move that we approve this request.
7 Do I have a second?

8 MEMBER BROOKS: Second.

9 CHAIRPERSON MILLER: Mr. Brooks has
10 seconded the motion.

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 5-0-0.

16 Okay. So that concludes our agendas.
17 Since it is 2:18 and the next hearing is not
18 scheduled until at least 2:30 and also our office
19 got a call from the licensee that he is running a
20 little bit late in between hearings, we can go
21 ahead and vote on our closed meetings for next
22 week. Okay. One second.

1 (Whereupon, the above-entitled matter
2 went off the record at 2:18 p.m. and resumed at
3 2:19 p.m.)

4 CHAIRPERSON MILLER: Okay. As
5 Chairperson of the Alcoholic Beverage Control
6 Board for the District of Columbia and in
7 accordance with DC Official Code Section 2-574(b)
8 of the Open Meetings Act, I move that the ABC
9 Board hold a closed meeting on August 12, 2015
10 for the purpose of seeking legal advice from our
11 counsel on the matters identified on the Board's
12 Agenda for August 12, 2015 as published in the DC
13 Register on August 7, 2015.

14 Is there a second?

15 MEMBER BROOKS: Second.

16 CHAIRPERSON MILLER: Mr. Brooks has
17 seconded the motion. I'll now take a roll call
18 vote on the motion before us now that it has been
19 seconded.

20 Mr. Brooks?

21 MEMBER BROOKS: I agree.

22 CHAIRPERSON MILLER: Mr. Rodriguez?

1 MEMBER RODRIGUEZ: I agree.

2 CHAIRPERSON MILLER: Ms. Miller

3 agrees.

4 Mr. Silverstein?

5 MEMBER SILVERSTEIN: I agree.

6 CHAIRPERSON MILLER: And Mr. Short?

7 MEMBER SHORT: I agree.

8 CHAIRPERSON MILLER: It appears that
9 the motion has passed by a 5-0-0 vote.

10 I hereby give notice that the ABC
11 Board will hold this aforementioned closed
12 meeting pursuant to the Open Meetings Amendment
13 Act of 2010. Notice will also be posted on the
14 ABC Board hearing room bulletin board, placed on
15 the electronic calendar on ABRA's website and
16 published in the DC Register in as timely a
17 manner as practicable.

18 As Chairperson of the Alcoholic
19 Beverage Control Board for the District of
20 Columbia and in accordance with DC Official Code
21 Section 2-574(b), closed meetings, and Section 2-
22 574, notice of meetings, of the Open Meetings

1 Act, I move that the ABC Board hold a closed
2 meeting on August 12, 2015 for the purpose of
3 discussing and hearing reports concerning ongoing
4 or planned investigations of alleged criminal or
5 civil misconduct or violations of law or
6 regulations and seeking legal advice from our
7 counsel on the Board's Investigative Agenda for
8 August 12, 2015 as published in the DC Register
9 on August 7, 2015.

10 Is there a second?

11 MEMBER BROOKS: Second.

12 CHAIRPERSON MILLER: I'll now take a
13 roll call vote on the motion before us now that
14 it has been seconded.

15 Mr. Brooks?

16 MEMBER BROOKS: I agree.

17 CHAIRPERSON MILLER: Mr. Rodriguez?

18 MEMBER RODRIGUEZ: I agree.

19 CHAIRPERSON MILLER: Ms. Miller
20 agrees.

21 Mr. Silverstein?

22 MEMBER SILVERSTEIN: I agree.

1 CHAIRPERSON MILLER: Mr. Short?

2 MEMBER SHORT: I agree.

3 CHAIRPERSON MILLER: It appears that
4 the motion has passed by a 5-0-0 vote. I hereby
5 give notice that the ABC Board will hold this
6 aforementioned closed meeting pursuant to the
7 Open Meetings Amendment Act of 2010. Notice will
8 also be posted on the ABC Board hearing room
9 bulletin board, placed on the electronic calendar
10 on ABRA's website and published in the DC
11 Register in as timely a manner as practicable.

12 Okay. So that includes our votes on
13 the closed meetings and it is 2:21 and our next
14 hearing is not until 2:30 at the earliest, so the
15 Board will recess until the parties are all here
16 for the hearing. Thank you.

17 (Whereupon, the A.B.R.A. Agenda in the
18 above-entitled matter was concluded at 2:21 p.m.)
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